

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

*Plaintiff,*

*v.*

RAMÓN L. FERNÁNDEZ-MALAVÉ,

*Defendant.*

Case. No.: 97-cr-76-SCC (4)

MOTION SEEKING LEAVE OF COURT TO FILE AN  
AMENDED FIRST STEP ACT MOTION

***MOTION***

Mr. Fernández moves this Court for leave to file an amended sentence-reduction motion by July 1, 2024.

***RELEVANT BACKGROUND AND BASIS FOR THE MOTION***

Before the Court is a *pro se* motion by Mr. Fernández to reduce his sentence. *See* ECF No. 2049; *see also* ECF No. 2168 (supplemental *pro se* motion to reduce sentence under the First Step Act of 2018).

Mr. Fernández's request relates to the life sentence he received following conviction after a six-month-long jury trial under 21 U.S.C. §§ 841(a)(1) and 846. ECF No. 1428. This multidefendant case relates to a drug-trafficking conspiracy from January 1990 to March 1994. *United States v. Soto-Beníquez*, 356 F.3d 1, 15 (1st Cir. 2003).

Last fall, the Honorable Daniel R. Domínguez appointed the Federal Public Defender, and the undersigned appeared on September 13, 2023. ECF No. 2194. Following Judge Domínguez's retirement, this case was randomly reassigned to Your Honor. ECF No. 2222.

Since counsel was appointed, the undersigned has dedicated numerous hours to: reviewing the record, conducting fact-investigation related to 18 U.S.C. § 3553(a) factors, researching the desired grounds for relief, and consulting with Mr. Fernández, who is at Centro de Detención Bayamón 1072. To provide full and effective representation to Mr. Fernández, the undersigned has also investigated the status of his state court matters as Mr. Fernández is scheduled to appear before the Junta de Libertad Bajo Palabra next month. (By separate motion, counsel will ask this Court for an order directing state authorities to disclosure records from the Departamento de Corrección y Rehabilitación, which we have been unable to obtain by other means.)

Based on an assessment of outstanding tasks in this cases, and counsel's obligations in other court-assigned matters, it is anticipated that an amended sentence-reduction motion under the First Step Act of 2018 can be completed and filed by July 1, 2024.

It is further requested that the government be ordered to respond within three weeks of the filing of an amended motion unless an extension is granted. Having consulted with government counsel, the parties ask that any previous briefing deadlines be vacated such that no government response will be required until Mr. Fernández has submitted a counseled sentence-reduction motion.

**WHEREFORE**, Mr. Fernández respectfully requests that the Honorable Court grant leave to file an amended sentence reduction by July 1, 2024, and that the government be ordered to file its response within three weeks thereafter unless an extension is granted.

**RESPECTFULLY SUBMITTED.** May 30, 2024

**RACHEL BRILL**  
Federal Public Defender,  
District of Puerto Rico

**S/KEVIN E. LERMAN\***  
Assistant Federal Public Defender  
USDC-PR No. G03113  
241 F.D. Roosevelt Ave.  
San Juan, P.R. 00918-2441  
Tel. (787) 281-4922, Fax (787) 281-4899  
E-mail: Kevin\_Lerman@fd.org

**\*CERTIFICATION:** I ECF-filed this document, notifying the parties of record.